

Austin, Texas,
January 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 76 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

THIRTEENTH DAY

(Tuesday, January 31, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called and the following Senators were present:

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, January 31, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has

passed the following bills and resolution:

H. C. R. No. 26, Providing for a Joint Session of the State Legislature on March 3, 1939, for the purpose of hearing an address by the Honorable Nathan Straus.

H. B. No. 71, A bill to be entitled "An Act regulating the election of judges and clerks and the appointment of supervisors; prescribing their number and rates of pay and the duties of supervisors in all elections for the election of officers in all cities in this State having a population in excess of two hundred thousand (200,000) and less than two hundred and sixty thousand (260,000) by the last preceding Federal Census or any future Federal Census; providing for its enforcement; providing for partial invalidity; repealing all the portions of laws, charter provisions and ordinances in conflict therewith; defining a local political party, and declaring an emergency."

H. B. No. 201, A bill to be entitled "An Act to amend Sec. 1 of Art. 2691B, Chap. XI, Title 49 of the Revised Statutes, as enacted by the First Called Session of the Forty-second Legislature, and being found in Acts of 1931, Chap. XXXIX, at Page 83, by providing for the addition thereto of Lamar County, and declaring an emergency."

H. B. No. 233, A bill to be entitled "An Act to validate the establishment of Independent School Districts in counties having not less than 10,000 nor more than 20,000 population, according to the last preceding Federal Census, as established by the Act of the County Boards of School Trustees of such counties, and ratifying and confirming said Act of such Boards, and declaring an emergency."

Respectfully submitted,
E. R. LINDLEY, Chief Clerk,
House of Representatives.

Report of Senate Investigating Committee

Senator Collie submitted the following report of the Senate Investigating Committee, appointed pursuant to S. R. No. 12, adopted at the Regular Session of the Forty-fifth Legislature:

REPORT OF SENATE INVESTIGATING
COMMITTEE CONCERNING COLO-
RADO RIVER AUTHORITY

To His Excellency, The Governor of Texas, Members of the Legislature and the Public:

By virtue of a resolution unanimously adopted at a called meeting of many interested citizens held in the Senate Chamber in Austin on July 30, 1938, attended by a number of Federal and State officials, including Governor Allred, Senator Tom Connally, Congressman Lyndon Johnson and others, this Investigating Committee was requested to inquire into matters under consideration by these citizens and to report its findings. The substance of said resolution is here quoted:

GOVERNOR ALLRED: "The substance of the motion is that this group assembled here request and urge the Senate Investigating Committee to make a full and complete and comprehensive investigation into all phases of this flood and of these dams as they affect the people of Texas and the Government of Texas generally, and that in doing that, they shall call upon and invite to sit with them the State Board of Water Engineers, and the State Reclamation Engineer; and that those bodies are requested to assist them in every manner possible and furnish them with information that they may be able to secure, and that they also are requested to invite the County Judges or other representatives of the regions affected by these disastrous floods." (SF Pg. 1138.)

Complying with the provisions of such resolution, a majority of the members of this Committee met in the Senate Chamber on August 8, 1938, and after a brief statement by the Chairman, an invitation was extended to all officials and interested citizens to assist the Committee in gaining facts concerning the flood on the Colorado and the dams as they affect the people and the Government of Texas generally. Appearances were made by Governor Dan Moody in behalf of individual citizens and county judges; by the Colorado Authority through its General Attorney, Honorable A. J. Wirtz, and the General Manager, Mr. C. McDonough, as well as the Board members; by Senators Walter Woodward and John W. Hornsby as interested citizens and

former officials; by former State Senator Welly Hopkins, of the Department of Justice; by Mr. Everett Looney, representing his listed clients; by Senator L. J. Sulak in behalf of his Senatorial District; by several county judges, mayors, and other officials; by the Board of Water Engineers and the Reclamation Engineer. To all of these, and the many other citizens, the Committee is grateful for their hearty cooperation and expresses its appreciation of their assistance and services.

The Colorado River Authority was created by an Act of the Legislature, through the passage of Senate Bill No. 2, at the Fourth Called Session of the Forty-third Legislature. It has a directorate of nine members, three of whom are appointed by the Governor, three by the Attorney General and three by the State Land Commissioner, and each member is appointed for a six-year term.

The existence of the Authority, and the cardinal reasons for its creation, is based upon the advisability of constructing dams on the Colorado River and the forming of a conservation and reclamation district, which is included within the boundaries of the Counties of Blanco, Burnet, Llano, Travis, Bastrop, Fayette, Colorado, Wharton, San Saba and Matagorda. The creation of the district was determined to be essential to the accomplishment of the purposes of constitutional provisions, including "the control, storing, preservation and distribution of the waters of the Colorado River and its tributaries for irrigation, power and other useful purposes, the reclamation and irrigation of arid, semi-arid and other lands needing irrigation, and the conservation and development of the forests, water and hydro-electric power of the State of Texas."

During the consideration of the Act, and at the time of its passage, the proponents gave satisfactory assurance to many members of the Legislature that the primary purpose of the project was to build flood control dams to prevent the re-occurrence of devastating floods which had periodically ravaged the towns, cities, and rich agricultural lands from Austin to the Gulf. In view of these assurances to the Legislature, the Committee heard evidence as to the policy of the Authority in the operation of the dams, especially with reference to the relative importance of the

various functions of the project. Because it now appears to be the policy of the Authority to make the generation and sale of power the primary purpose with flood prevention a secondary consideration, the Committee sought to get all the information pos-

sible as the measure of flood control which may be expected to result from such operation.

The entire LCRA project at the time of our investigation shows that it was financed in the following manner:

	Loan	Grant
Allocation July 2, 1935.....	\$10,500,000.00	\$9,500,000.00
Allocation July 31, 1937.....		5,000,000.00
Allocation May 9, 1938.....		2,030,000.00
Allocation Aug. 29, 1938.....		1,250,000.00
Allocation Aug. 1, 1938.....	4,500,000.00	2,850,000.00
	<u>\$15,000,000.00</u>	<u>\$20,630,000.00</u>

The monies expended out of the loans and grants mentioned were allocated as follows:

Buchanan Dam.....	\$8,300,000.00
Inks Dam.....	2,060,000.00
Austin Dam.....	2,550,000.00
Marshall Ford Dam...	16,568,000.00
Transmission Lines....	5,624,000.00

The remainder for administrative costs, etc.

The above total investment of \$35,630,000 may not be the final tabulation as of the allocation of August 1, 1938, \$5,000,000 was for the purpose of building transmission lines for the distribution of power from the project and at this date it has not been definitely ascertained whether or not this will be used. Of this allocation of August 1, 1938, \$2,350,000 was allocated for expenditures in the original project and carried as a grant of 30%. There was also an item added covering interest during construction of the original project which carried no grant. \$5,000,000 of this allocation was for the construction of transmission lines and carried a grant of 45%. Excluding \$5,000,000 allocation for transmission lines gives a total loan of \$12,250,000 and a grant of \$18,380,000, making a total of \$30,630,000, which represents the investment for the dams and the power equipment which is approximately 60% grant and 40% loan.

The building and financial program of the Authority includes the construction of four dams as above listed. The Inks and Miller dams have been constructed entirely for power generation. The record reveals that approximately \$13,280,000 of the money thus far spent on the Colorado was a direct grant of the United States Bureau of Reclamation. The

Public Works Administration has made grants of approximately \$7,350,000 to the Authority. These grants, totalling \$20,630,000 would have been sufficient, if devoted to that purpose, to have constructed flood control dams and levees and insured permanent flood protection for the entire Colorado area. With respect to the total investment of \$35,630,000, we find that the outright grants approximate fifty-seven per cent and the loans approximate forty-two per cent. The loans made by P.W.A. to the Authority are amortized over a period of thirty years at 4% interest. The Act creating the District did not provide for any method of raising revenue to pay off the indebtedness created by the District except from revenue to be secured by the District from the sale of water and power. In arriving at the price to be charged for the sale of its power the Authority has fixed a price only sufficiently high to amortize and pay off the loan and not repay any part of the grants. The power output to be provided out of the above finances at the present rates charged by the District and based on a normal year's output will produce approximately a million and a half dollars per year which will just about take care of operating charges and amortization charges on the loan and unless a substantial increase is had in the future in the revenues of the District then the water resources of the District are pledged for the next thirty years on this basis.

We find that Marshall Ford dam, if completed according to the present design and agreement with the contractors, will be primarily a power dam, and that under the present plan of the management any substantial

flood control will necessarily have to be provided out of such additional storage as may be had by building the dam higher than now designed; that there is entertained by the LCRA hopes of providing some flood protection by adding 78 feet to the height of Marshall Ford dam as now designed, at an additional cost of \$7,000,000 to \$11,000,000 and according to Mr. McDonough, this should be supplemented by levees in the lower valley at an estimated cost of five million. The consummation of the hopes and plans of the present management will result in a total investment of between forty-five and fifty millions of dollars. Whether or not it can be carried out will, of course, depend upon the ability of the Authority to procure the additional loans and grants that must be made available.

July Flood

The Committee spent considerable time in hearing testimony concerning the unprecedented flood during the latter part of July. We sought to determine the extent of it and whether there were contributing factors that caused the tremendous damage down the river, especially in Travis, Bastrop, Fayette, Colorado, Wharton and Matagorda Counties. The heaviest losses occurred in these counties nearest the mouth of the Colorado, where excellent crops were almost ready for harvest. No accurate estimate of the total damage can be made by us but evidence before us leaves no doubt that property damage resulting from this flood ranged from five to ten millions of dollars. The loss to the State and its various political subdivisions in damaged highways, streets, bridges, and the damage and destruction of other public properties was very large. Thousands of acres of rich soil were inundated and covered with silt, growing crops were washed completely away and many homes and private business establishments were greatly damaged.

The report of Mr. Ralph J. McMahon, State Reclamation Engineer, shows as follows:

"The average annual losses due to floods on the lower Colorado River is about \$5,000,000."

In our investigation, we find that the water in Buchanan Lake was within eight feet of the spillway crest of the dam before the flood

waters began to empty into the lake and that just immediately preceding the flood there was available in Lake Buchanan vacant storage which could be used for catching and holding flood waters to an amount of 200,000 acre feet. We find that at the time the gates were opened the water in the lake was within 4.7 feet of the top of the dam.

Evidence was produced showing that had there been as much as 1,000,000 acre feet of empty storage in Buchanan Lake on July 23, the flood crest at Austin would have been approximately 22.2 feet instead of the 32.1 foot level reached later, and that had such empty storage been available to hold the flood waters, the damage between the dam and the mouth of the river would have been greatly diminished, since the river must reach 21 feet at Austin to be at flood stage at that point. Furthermore, had there been available 500,000 acre feet of empty storage, (which there would be at an elevation of 995 feet, which is the elevation of the sills of the large gates) in Buchanan Lake, at the time, the damage caused by the flood likely would have been materially reduced because such storage would have held back sufficient water to reduce the crest to 29.7 feet at Austin. The top five feet of water in this flood did a great deal more damage than the first seven feet above flood stage. The records of the State Board of Water Engineers disclose the crest of the flood to have been 32.1 feet in Austin and the waters remained at high flood stage several days, spreading out over a large area in the lower valley.

We quote from page 13 of the report of the State Board of Water Engineers as follows:

"In the case of this Buchanan Reservoir, the amount of flood control this reservoir and dam will afford depends upon the size of the flood and its origin. If the flood occurs on the drainage area immediately adjacent to the reservoir, the amount of flood control is limited by the available capacity in the reservoir for storing flood waters at the time the flood occurs. In this case, the amount of stored water necessary to be released would, in all probability, be of such volume as to create a flood below the dam. If the flood originates on the upper reaches of the stream and several days notice in the advance of the flood is had at

the reservoir, storage water may be released and additional storage space created. In such an event the effect of the reservoir would be to control the flood and reduce the flood outflow from the reservoir to such an extent as to prevent a flood below the dam.

"Effect of location of the storm center and long duration of intense rainfall: an examination of the maps showing rainfall over the upper Colorado watershed will disclose the fact that the runoff from a large part of this contributing area is delivered to the Colorado River at no great distance above the Buchanan Reservoir." and from page 12 as follows:

"Flood Control: If it is desired to control floods of such volume and peak discharge as the July-August 1938 flood, or possibly larger floods that may occur above the present dams, it will be necessary to provide additional storage capacity."

Testimony of competent engineers was given the committee to the effect that the purpose of flood control and power generation in connection with the same dam are so antagonistic to each other that it is impossible for a dam to serve both purposes with any degree of success or efficiency, especially if the purposes are considered of equal importance. Some measure of flood control will naturally result even though the dams are operated with a view of making power production the chief function, because there will be times, especially during dry years, when the lakes will be drawn down to a low level by the constant generation of power, leaving large storage space to catch the new flood waters. But under such operation there can be no assurance that flood storage will be available when most needed to prevent damage to property and loss of lives in the lower areas. To have flood control there must be empty storage to catch the flood waters—to have hydro-electric power there must be sufficient impounded water for the purpose. It would seem reasonable, however, that if flood control is to be the primary function and purpose, a very considerable quantity of marketable power may still be generated as a subordinate activity when the additional storage that will be provided by Marshall Ford Dam, as now designed, is available.

Whether the C.R.A. management was negligent in operating Buchanan

Dam in such a way as to have practically no storage to enable it to hold back a part of the flood waters and thus greatly lessen the damage below depends entirely upon whether or not the dam should be operated primarily as a flood control dam or as a hydro-electric dam. If it is the purpose and policy of the State and of the Authority that the dams be operated primarily for flood control, the management of the Authority was negligent in allowing the reservoir to remain nearly full of water because such a plan of operation left no empty storage to catch flood waters which might come at any time. On the other hand, if it is the purpose and policy of the State of Texas and of the Lower Colorado River Authority to have the generation and sale of hydro-electric power the chief function of this project, then it cannot be said that the dam was negligently managed, because in the making and selling of hydro-electric power on a stream as variable as the Colorado River it is necessary to keep behind the dam all of the water possible.

The record conclusively shows that if these dams are to be operated and managed so as to produce sufficient revenue from the sale of power and water to amortize the bonded debt over a given period of thirty (30) years, in accordance with the present policy of the Authority, the only flood protection that may be realized will accrue as a mere incident to the operation of the dams for power purposes. The management of the Authority refused to make any definite commitment to this committee of any definite amount of empty storage that the Authority would keep available at all times for flood protection. Under its apparent policy, the Authority would make no commitments as to the amount of empty storage, if any, it would be willing to keep available pending the time when the sale of LCRA power would be sufficient to require the dams to be operated at maximum power production.

The question as to the primary purpose of such projects in Texas is one upon which this State has not yet declared a definite public policy. We do not deem it within the province of this committee to make specific recommendations as to what that policy should be. In view of the fact that projects of such magnitude are new in Texas, and because the problem of conservation and reclamation for

the benefit of the greatest number of our citizens is one of lasting importance, and because these projects and corporate districts are State agencies, supported in whole by taxes extracted from the people we do recommend that the Forty-sixth Legislature of the State of Texas direct its immediate attention to formulating and promulgating a definite State policy as to the operation of all such programs in this State and to provide for the strict observance of such policy by the enactment of necessary laws and the designation of proper agencies for their enforcement.

The State Board of Water Engineers, the State Bureau of Reclamation and the LCRA each filed comprehensive and extensive reports, with maps and charts showing the operation of Buchanan Dam and its effect on the recent flood, as well as a complete analysis of floods in past years and of future floods after the present proposed dams have been completed. The committee made as thorough an inquiry as was possible by the time afforded it and it has accumulated a voluminous record of testimony and exhibits for the observation of all public officials and other interested parties.

Again, we desire to express our thanks and appreciation to all those citizens and officials who have manifested a spirit of hearty cooperation with the committee and who have really performed a public service in this undertaking.

Respectfully submitted,
T. J. HOLBROOK,
 Chairman of the Committee.
WILBOURNE COLLIE,
 Secretary of the Committee.
ALBERT STONE,
 Member of the Committee.

On motion of Senator Collie, a full reading of the report was dispensed with and it was ordered printed in the Journal.

Senate Bills on First Reading

The following bills were introduced, read severally first time, and referred to the committees indicated:

By Senator Winfield:

S. B. No. 123, A bill to be entitled "An Act dedicating and establishing the Big Bend National Park in Brewster County, Texas, and defining the area of said park and defin-

ing the duties and powers of the Texas State Park Board in regard thereto, and transferring certain lands belonging to the State Public School Fund to the State of Texas for park purposes only, and providing a consideration therefor, and transferring and conveying certain mineral estates now owned by the State Public School Fund in said area to the State of Texas for park purposes only and providing a consideration for said transfer and conveyance; and authorizing the Board to make exchange of lands previously acquired for park purposes under certain Acts lying outside the area defined by this Act for land lying within said area and fixing a maximum price that shall be paid by the Board for the purchase of land in said area where said consideration is to be paid out of appropriations from the General Fund of the State, and further providing that all lands acquired by the State for park purposes under Chapter 100, Acts First Called Session, Forty-third Legislature, within said area is to be transferred to the State of Texas for park purposes and to be designated as a part of the land dedicated herein as the Big Bend National Park, and making an appropriation for the carrying out of the provisions of this Act and providing a method for disbursing said appropriation and providing that the United States Government may acquire title to said property within said area and authorizing a conveyance by the State of Texas to the United States Government for park purposes, and declaring an emergency."

Referred to Committee on Finance.

By Senator Kelley:

S. B. No. 124, A bill to be entitled "An Act which provides for the prevention and control of disease; defining certain terms; giving the State Health Officer and the State Board of Health authority to promulgate orders, rules and regulations for the protection of the public health; repealing all of the old State Sanitary Code known as Chapter IV, Article 4477 of the Revised Civil Statutes of Texas of 1925, save and except Senate Bill No. 46, Acts of 1927, Fortieth Legislature, First Called Session, page 116, Chapter Forty-one, as amended by Senate Bill No. 20, Acts of 1929, Forty-first Legislature, First Called Session, page 7, Chapter 4, which same is known as 'The Vital

Statistics Law', and rules 77, 78, 79, 80, 81, 83, 85, and 86 known as that section on 'Transportation of Dead Bodies', and shall remain in full force and effect; and repealing all laws, articles, sections, and subdivisions of laws which conflict or are inconsistent with this Act; prescribing a penalty, and declaring an emergency."

Referred to Committee on Public Health.

(Senator Shivers in the Chair.)

By Senator Weinert:

S. B. No. 125, A bill to be entitled "An Act amending Article 2266 of the Revised Civil Statutes of Texas, 1925, being Chapter 134, page 226, of the Acts of the Regular Session of the Forty-second Legislature, 1931; and repealing Article 2241 of the Revised Civil Statutes of Texas, 1925; and Article 2278A of the Revised Civil Statutes of Texas, being Chapter 50, page 91, of the Acts of the Fourth Called Session of the Forty-first Legislature, 1930; and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Head:

S. B. No. 126, A bill to be entitled "An Act defining and regulating hospitals, sanitariums and infirmaries, as defined herein; providing for the licensing thereof; providing for the creation of the State Hospital Board and providing for inspection and reports in regard thereto; providing for revocation, suspension and refusal of license and fees to be charged therefor; providing for appeal; allowing rules and regulations to be promulgated by the State Hospital Board; providing for the disposal of fees and fines; prescribing penalties for the violation of the provisions of this Act and declaring certain legislative intent and for other purposes, and declaring an emergency."

Referred to Committee on Public Health.

By Senator Head:

S. B. No. 127, A bill to be entitled "An Act to provide for the chartering of non-profit corporations to be organized for the purpose of furnishing group hospital service, and to provide for the methods of operation, regulation and supervision of such

corporations and of their contracts; providing exemption from Title 78 of the Revised Civil Statutes of 1925, and declaring an emergency."

Referred to Committee on Public Health.

By Senator Head:

S. B. No. 128, A bill to be entitled "An Act to repeal the Bosque County Special Road Law, being Chapter 33, page 101, Special Laws of the Regular Session of the Thirty-third Legislature, and the amendments to said laws passed by Chapter 17, page 328, of the Local and Special Laws of the First Called Session of the Thirty-fifth Legislature, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Senator Graves:

S. B. No. 129, A bill to be entitled "An Act to amend Article 1323 of R. C. S. of 1925, as amended by H. B. No. 626, Chapter 235, Acts of the Regular Session of the Fortieth Legislature, so as to provide for the length of terms which directors may be elected to and serve for corporations formed under Subdivisions 1, 2, and 3, of Chapter 1, Title 32, R. C. S. 1925, and declaring an emergency."

Referred to Committee on State Affairs.

Senate Joint Resolution 8 on First Reading

The following joint resolution was introduced, read first time and referred to the Committee on Constitutional Amendments:

By Senators Van Zandt, Spears, Kelley, Stone of Galveston, Martin, Brownlee, Moore and Shivers:

S. J. R. No. 8, Proposing an amendment to Article 16, Section 56, of the Constitution of the State of Texas, providing that the Legislature is authorized to appropriate not to exceed the sum of Six Hundred Thousand (\$600,000.00) Dollars, per year for a period of five (5) successive years and commencing at any time within two (2) years after adoption hereof, for the purpose of bringing tourists, immigrants and industries into this State; providing no appropriation shall be made for a longer term than two (2) years; providing that at the expiration of such period the Legis-

lature shall have no power to appropriate any of the public money for the establishment and maintenance of a Bureau of Immigration, or for any purpose of bringing immigrants, tourists or industries to this State; providing for submission of the same to the qualified voters of the State; providing for the necessary proclamation and making an appropriation to defray the expenses of the proclamation, publication, and election.

Additional Signers of Bills

On motion of Senator Aikin, and by unanimous consent, the names of Senator Moffett, Spears, and Hill were added to S. B. No. 116 as signers thereof.

On motion of Senator Metcalfe, and by unanimous consent, the name of Senator Martin was added to S. J. R. No. 2 as a signer thereof.

House Bill 251 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 251, A bill to be entitled "An Act providing that in counties having a population of not less than thirty thousand five hundred eighty-three (30,583) and not more than thirty thousand six hundred (30,600) according to the last preceding Federal Census, etc., and declaring an emergency,"

The bill was read second time and was passed to third reading.

House Bill 251 on Third Reading

Senator Cotten moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 251 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Head
Beck	Hill
Brownlee	Isbell
Burns	Kelley
Collie	Lanning
Cotten	Lemens
Graves	Martin
Hardin	Metcalfe

Moffett
Moore
Nelson
Pace
Redditt
Roberts
Shivers
Small
Spears

Stone
of Galveston
Stone
of Washington
Sulak
Van Zandt
Weinert
Winfield

The Presiding Officer then laid H. B. No. 251 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin
Beck
Brownlee
Burns
Collie
Cotten
Graves
Hardin
Head
Hill
Isbell
Kelley
Lanning
Lemens
Martin
Metcalfe
Moffett

Moore
Nelson
Pace
Redditt
Roberts
Shivers
Small
Spears
Stone
of Galveston
Stone
of Washington
Sulak
Van Zandt
Weinert
Winfield

House Bills on First Reading

The following bills, received from the House today, were laid before the Senate, read severally first time, and referred to the committees indicated:

H. B. No. 71, to Committee on Privileges and Elections.

H. B. No. 201, to Committee on Education.

H. B. No. 233, to Committee on Education.

House Concurrent Resolution 26

The Presiding Officer laid before the Senate the following resolution, received from the House today:

H. C. R. No. 26, Providing for a joint session to hear an address by Hon. Nathan Straus.

The resolution was read.

On motion of Senator Brownlee, and by unanimous consent, the rule requiring concurrent resolutions to be

referred to a committee was suspended, and the resolution was considered at this time and was adopted.

Reports of Standing Committees

Senator Brownlee, by unanimous consent, submitted at this time the following report of the Committee on Highways and Motor Traffic:

Austin, Texas,
January 31, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 157, A bill to be entitled "An Act creating and establishing Jackson County Road District No. 10 in Jackson County, Texas, under Article III, Section 52, of the Constitution for the purpose of the construction, operation, and maintenance of macadamized, graveled, or paved roads or turnpikes, or in aid thereof; describing the territory included therein; making the District a body corporate with authority to sue and be sued; authorizing the District to issue bonds upon two-thirds vote of the qualified electors who own taxable property in said District and who have duly rendered the same for taxation voting at an election; . . . ; etc.; and declaring an emergency,"

Have had the same under consideration and I am instructed to report back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

Senator Spears, by unanimous consent, submitted at this time the following report of the Committee on Privileges and Elections:

Austin, Texas,
January 31, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

H. B. No. 71, by Dickison, A bill to be entitled "An Act regulating the election of judges and clerks and the appointment of supervisors; prescribing their number and rates of pay and the duties of supervisors in

all elections for the election of officers in all cities in this State having a population in excess of two hundred thousand (200,000) and less than two hundred and sixty thousand (260,000) by the last preceding Federal Census or any future Federal Census; providing for its enforcement—providing for the partial invalidity; repealing all the portions of laws, charter provisions, and ordinances in conflict therewith; defining a local political party; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Senator Nelson, by unanimous consent, submitted at this time the following report of the Committee on Education:

Austin, Texas,
January 31, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 233,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

House Bill 71 on Second Reading

Senator Spears moved that the legislative rule relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that H. B. No. 71 be considered by the Senate at this time.

The motion prevailed by the following vote:

Yeas—31

Aikin	Kelley
Beck	Lanning
Brownlee	Lemens
Burns	Martin
Collie	Metcalf
Cotten	Moffett
Graves	Moore
Hardin	Nelson
Head	Pace
Hill	Redditt
Isbell	Roberts

Shivers	Stone
Small	of Washington
Spears	Sulak
Stone	Van Zandt
of Galveston	Weinert
	Winfield

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 71 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

On motion of Senator Spears, and by unanimous consent, Senate rules 31a and 48 were suspended severally to permit consideration of H. B. No. 71 at this time.

The Presiding Officer then laid H. B. No. 71 before the Senate on its second reading and passage to third reading.

The bill was read second time and passed to third reading.

House Bill 71 on Third Reading

The Presiding Officer then laid H. B. No. 71 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Cotten
Beck	Graves
Brownlee	Hardin
Burns	Head
Collie	Hill

Isbell	Shivers
Kelley	Small
Lanning	Spears
Lemens	Stone
Martin	of Galveston
Metcalf	Stone
Moffett	of Washington
Moore	Sulak
Nelson	Van Zandt
Pace	Weinert
Redditt	Winfield
Roberts	

House Bill 233 on Second Reading

Senator Nelson moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 233 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

On motion of Senator Nelson, and by unanimous consent, Senate rules 31a and 48 were suspended severally to permit consideration of H. B. No. 233 at this time.

The Presiding Officer laid H. B. No. 233 before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

House Bill 233 on Third Reading

The Presiding Officer then laid H. B. No. 233 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

(President in the Chair.)

Hour for Executive Session Set

Senator Shivers asked unanimous consent of the Senate that 10:43 o'clock a. m. today be set as the hour for the Senate to go into executive session to consider certain nominations heretofore submitted by the Governor.

There was no objection offered, and it was so ordered.

Executive Session

The President, at 10:43 o'clock, a. m., announced that the hour heretofore fixed for an executive session of the Senate had arrived.

The Sergeant-at-Arms was directed to clear the floor and galleries of all those not entitled to attend the executive session and to close all doors leading from the Senate Chamber.

After Executive Session

At the conclusion of the executive session, the Secretary of the Senate reported to the Journal Clerk that the Senate had adopted the following report:

Austin, Texas,
January 30, 1939.

Hon. Coke R. Stevenson, Lieutenant Governor:

We, your Committee on Nominations by the Governor, have had under consideration the following nominations:

To be a Member of the Board of Directors of A. & M. College: (term beginning January 10, 1939)

A. H. Demke, of Stephenville, Erath County, Texas;

To be District Attorney of the Forty-ninth Judicial District:

Philip A. Kazen, of Laredo, Webb County (to succeed John A. Valls, resigned, December 1, 1938, for remainder of term expiring December 31, 1938, and for two-year term beginning January 1, 1939);

To be Judge of the Forty-ninth Judicial District:

John A. Valls, of Laredo, Webb County (to succeed Judge J. M. Mullally, who resigned effective November 30, 1938) for the term ending December 31, 1938, and also for the term beginning January 1, 1939:

And do recommend that they be confirmed.

SHIVERS, Chairman.

Adjournment

The President called the Senate to order, as in legislative session, at 10:50 o'clock a. m.

On motion of Senator Shivers, the Senate, at 10:55 o'clock a. m., adjourned until 10:00 o'clock a. m. tomorrow.

FOURTEENTH DAY

(Wednesday, February 1, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield
Moore	

Absent—Excused

Hill Kelley

A quorum was announced present.